IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19976 of 2004

Between:

Smt.Chennuri Rohini, W/o.Sri Chennuri Ramesh,
R/o.H.No.1-30-90/76, Sri Shiva Nagar,
Plot No.76, Kanajiguda village Alwal, RR Dist.

..... PETITIONER

AND

The Commissioner Alwal Municipality, RR Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to to pass an order, direction or writ, particularly, in the nature of writ of Mandamus directing the commissioner, Alwal Municipality to pass appropriate orders on the application dt.20-09-2004 for grant of permit for reconstructing the house property bearing H.No.1-30-90/76 on plot No.76 survey No.391/ A, Kanajiguda, Alwal, R.R.Dist., submitted in the office of Respondent.

Counsel for Petitioner:MR.AKELLA.SREENIVAS RAO

Counsel for Respondent: MR.R.TIMMA REDDY

The Court, at the stage of admission, made the following :

ORDER

The only complaint in this writ petition is that the respondent-Municipality is not receiving the application of the petitioner dated 20.9.3004 which was filed seeking for grant of sanction/permit for reconstruction of her house property, on the ground that it is not accompanied by 'No Objection Certificate'. It is contended that as per the decision of this Court in W.P.No.18348 of 2004 dated 8.10.2004 the application of the petitioner need not accompany any No Objection Certificate.

Heard the learned counsel for the petitioner as well as learned standing counsel for respondent-Municipality.

This Court in **DISTRICT COLLECTOR V N.KRISHNA MOHAN** categorically held that obtaining No Objection Certificate from the Collector arises only when any law presupposes. Mere circular or executive order informing the petitioners to obtain No Objection Certificate along with the application filed seeking sanction of permission to construct a building is not t all warranted. This Court while reiterating the same in **HYDERABAD POTTERIES PRIVATE LIMITED V DISTRICT COLLECTOR, HYDERABAD** categorically held that sanction for grant of permission to construct a building is conferred upon the Commissioner of Municipal Corporation to consider the same by taking into consideration the documents filed by the applicant along with the application, including the permission already granted by the Corporation to the applicant earlier. The Commissioner shall not reject the application of the petitioner solely on the basis of an objection purported to have been raised by the Joint Collector. The objections, if any raised, will also be taken into consideration with the relevant material on record. The Commissioner shall not reject the application of the petitioner for grant of permission solely on the basis of entries said to have been made in TSLR are not accompanied by any No Objection Certificate from the revenue officials. The said view is also upheld by the Division Bench in W.A.No.1096 of 2001 dated 24.12.2001.

In view of the same, the respondent-Municipality is directed to receive the application of the petitioner for re-construction without insisting on the 'No Objection Certificate' from the revenue officials and consider the same and pass appropriate

orders in accordance with law within four weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

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A. GOPAL REDDY. J.

1st November, 2004

tsr.

To

1 The Commissioner Alwal Municipality, RR Dist.

2 Two CD copies.